



GDPR Policy

(Including CCTV, Retention & Disposal, SAR, Privacy Notice)

2019-20

Policy last Reviewed	
Reviewed by	Mrs S Sanghera / Miss R Saggu
Agreed by Full Governing Board	30 April 2020
Shared with staff	Annually
Next Review due date	Spring 2021

Contents:

1.Policy statement.....	1
2 About this policy	2
3 Definition of data protection terms	3
4 Data Protection Officer.....	3
5.Data protection principles	4
6 Fair and lawful processing.....	4
7 Processing for limited purposes.....	4
8 Notifying data subjects	7
9 Adequate, relevant and non-excessive processing	7
10 Accurate data	8
11 Retention and Disposal.....	8
12 Processing in line with data subject's rights	8
13 Data security	10
14 Data Protection Impact Assessments.....	11
15. Data protection Impact Assessments.....	11
16 Disclosure and sharing of personal information	12
17 Data Processors	12
18 Images and Videos	13
18 CCTV	13
19.Subject Access.....	13
20 Changes to this policy	13

1.Policy statement

1.1 Everyone has rights with regard to the way in which their personal data is handled. During the course of our activities at Seva School we will collect, store and process personal data about our pupils, workforce, parents and others. This makes us a data controller in relation to that personal data.

1.2 We are committed to the protection of all personal data and special category personal data for which we are the Data Controller.

1.3 The law imposes significant fines for failing to lawfully process and safeguard personal data and failure to comply with this policy may result in those fines being applied.

1.4 All members of our workforce must comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary or other action.

2.About this policy

2.1 The types of personal data that we may be required to handle include information about pupils, parents, our workforce, and others that we deal with. The personal data which we hold is subject to certain legal safeguards specified in the General Data Protection Regulation ('GDPR'), the [Data Protection Act 2018], and other regulations (together 'Data Protection Legislation').

2.2 This policy and any other documents referred to in it set out the basis on which we will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources.

2.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

2.4 This policy sets out rules on data protection and the legal conditions that must be satisfied when we process personal data.

3 Definition of data protection terms

3.1 All defined terms in this policy are indicated in bold text, and a list of definitions is included in the Annex to this policy.

4 Data Protection Officer

4.1 Seva School have an appointed Data Protection Officer ("DPO") who is a company - Torix DPO Services and they can be contacted in writing at Unit 11a, Wessex Road Industrial Estate, Bourne End, SL8 5DT

4.2 The DPO company are responsible for ensuring compliance with the Data Protection Legislation and with this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the DPO.

4.3 The DPO company is also the central point of contact for all data subjects and others in relation to matters of data protection.

5.Data protection principles

5.1 Anyone processing personal data must comply with the data protection principles. These provide that personal data must be:

5.1.1 Processed fairly and lawfully and transparently in relation to the data subject;

5.1.2 Processed for specified, lawful purposes and in a way which is not incompatible with those purposes;

5.1.3 Adequate, relevant and not excessive for the purpose;

5.1.4 Accurate and up to date;

5.1.5 Not kept for any longer than is necessary for the purpose

5.1.6 Processed securely using appropriate technical and organisational measures.

5.2 Personal Data must

5.2.1 Be processed in line with data subjects' rights

5.2.2 Not be transferred to people or organisations situated in other countries without adequate protection.

5.3 We will comply with these principles in relation to any processing of personal data by Seva School.

6. Privacy of personal information

Seva School will collect such information on your or your child as detailed below: This list is not exhaustive.

6.1 Personal information – such as name(s)

6.2 Characteristics information – such as gender, age, ethnic group

6.3 Contract information (such as start date)

6.4 Other information – such as information from previous schools/employment

Seva School are required by law to share your personal data with Local Authority and Department of Education. We do not share within our workforce members without consent unless the law and our policies allow us to do so.

7.Fair and lawful processing

7.1 Data Protection Legislation is not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject.

7.2 For personal data to be processed fairly, data subjects must be made aware:

7.2.1 That the personal data is being processed and

7.2.2 Why the personal data is being processed.

7.2.3 what the lawful basis is for that processing (see below)

7.2.4 Whether the personal data will be shared, and if so with whom

7.2.5 the period for which the personal data will be held;

7.2.6 the existence of the data subject's rights in relation to the processing of that personal data

7.2.7 the right of the data subject to raise a complaint with the Information Commissioner's Office in relation to any processing.

7.3 We will only obtain such personal data as is necessary and relevant to the purpose for which it was gathered, and will ensure that we have a lawful basis for any processing.

7.4 For personal data to be processed lawfully, it must be processed on the basis of one of the legal grounds set out in the Data Protection Legislation. We will normally process personal data under the following legal grounds: 6.4.1 where the processing is necessary for the performance of a contract between us and the data subject, such as an employment contract

7.4.2 where the processing is necessary to comply with a legal obligation that we are subject to, (e.g the Education Act 2011)

7.4.3 where the law otherwise allows us to process the personal data or we are carrying out a task in the public interest

7.4.4 where none of the above apply then we will seek the consent of the data subject to the processing of their personal data.

7.5 When special category personal data is being processed then an additional legal ground must apply to that processing. We will normally only process special category personal data under following legal grounds:

7.5.1 where the processing is necessary for employment law purposes, for example in relation to sickness absence

7.5.2 where the processing is necessary for reasons of substantial public interest, for example for the purposes of equality of opportunity and treatment;

7.5.3 where the processing is necessary for health or social care purposes, for example in relation to pupils with medical conditions or disabilities

7.5.4 where none of the above apply then we will seek the consent of the data subject to the processing of their special category personal data.

7.6 We will inform data subjects of the above matters by way of appropriate privacy notices which shall be provided to them when we collect the data or as soon as possible thereafter, unless we have already provided this information such as at the time when a pupil joins us.

7.7 If any data user is in doubt as to whether they can use any personal data for any purpose then they must contact the DPO before doing so.

7.8 There may be circumstances where it is considered necessary to process personal data or special category personal data in order to protect the vital interests of a data subject. This might include medical emergencies where the data subject is not in a position to give consent to the processing. We believe that this will only occur in very specific and limited circumstances. In such circumstances we would usually seek to consult with the DPO company in advance, although there may be emergency situations where this does not occur.

7.9 Where none of the other bases for processing set out above apply then the school must seek the consent of the data subject before processing any personal data for any purpose.

7.10 There are strict legal requirements in relation to the form of consent that must be obtained from data subjects.

7.11 When pupils and or our Workforce join Seva School a consent form will be required to be completed in relation to them. This consent form deals with the taking and use of photographs and videos of them, amongst other things. Where appropriate third parties may also be required to complete a consent form.

7.12 In relation to all pupils under the age of 13 years old we will seek consent from an individual with parental responsibility for that pupil.

7.13 We will generally seek consent directly from a pupil who has reached the age of 13, however we recognise that this may not be appropriate in certain circumstances and therefore may be required to seek consent from an individual with parental responsibility.

7.14 If consent is required for any other processing of personal data of any data subject then the form of this consent must:

7.15.1 Inform the data subject of exactly what we intend to do with their personal data;

7.15.2 Require them to positively confirm that they consent – we cannot ask them to opt-out rather than opt-in; and

7.15.3 Inform the data subject of how they can withdraw their consent.

7.15 Any consent must be freely given, which means that we cannot make the provision of any goods or services or other matter conditional on a data subject giving their consent.

7.16 The DPO company must always be consulted in relation to any consent form before consent is obtained.

7.17 A record must always be kept of any consent, including how it was obtained and when.

8.Processing for limited purposes

8.1 In the course of our activities as Seva School, we may collect and process the personal data set out in our Schedule of Processing Activities. This may include personal data we receive directly from a data subject (for example, by completing forms or by corresponding with us by mail, phone, email or otherwise) and personal data we receive from other sources (including, for example, local authorities, other schools, parents, other pupils or members of our workforce).

8.2 We will only process personal data for the specific purposes set out in our Schedule of Processing Activities or for any other purposes specifically permitted by Data Protection Legislation or for which specific consent has been provided by the data subject.

9. Notifying data subjects

9.1 If we collect personal data directly from data subjects, we will inform them about:

9.1.1 our identity and contact details as Data Controller and those of the DPO company;

9.1.2 the purpose or purposes and legal basis for which we intend to process that personal data;

9.1.3 the types of third parties, if any, with which we will share or to which we will disclose that personal data;

9.1.4 whether the personal data will be transferred outside the European Economic Area ('EEA') and if so the safeguards in place;

9.1.5 the period for which their personal data will be stored, by reference to our Retention and Disposal (see section 20)

9.1.6 the existence of any automated decision making in the processing of the personal data along with the significance and envisaged consequences of the processing and the right to object to such decision making; and

9.1.7 the rights of the data subject to object to or limit processing, request information, request deletion of information or lodge a complaint with the ICO.

9.2 Unless we have already informed data subjects that we will be obtaining information about them from third parties (for example in our privacy notices), then if we receive personal data about a data subject from other sources, we will provide the data subject with the above information as soon as possible thereafter, informing them of where the personal data was obtained from.

10. Adequate, relevant and non-excessive processing

10.1 We will only collect personal data to the extent that it is required for the specific purpose notified to the data subject, unless otherwise permitted by Data Protection Legislation.

11. Accurate data

11.1 We will ensure that personal data we hold is accurate and kept up to date.

11.2 We will take reasonable steps to destroy or amend inaccurate or out-of-date data.

11.3 Data subjects have a right to have any inaccurate personal data rectified. See further below in relation to the exercise of this right.

12.Retention and Disposal

12.1 We will not keep personal data longer than is necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all personal data which is no longer required. 1

13.Processing in line with data subject's rights

13.1 We will process all personal data in line with data subjects' rights, in particular their right to:

13.1.1 request access to any personal data we hold about them;

13.1.2 object to the processing of their personal data, including the right to object to direct marketing;

13.1.3 have inaccurate or incomplete personal data about them rectified

13.1.4 restrict processing of their personal data; **15.1.5** have personal data we hold about them erased

13.1.6 have their personal data transferred; and

13.1.7 object to the making of decisions about them by automated means. The Right of Access to Personal Data

13.2 Data subjects may request access to all personal data we hold about them. Such requests will be considered in line with the schools **Subject Access Request** Procedure. The Right to Object

13.3 In certain circumstances data subjects may object to us processing their personal data. This right may be exercised in relation to processing that we are undertaking on the basis of a legitimate interest or in pursuit of a statutory function or task carried out in the public interest.

13.4 An objection to processing does not have to be complied with where the school can demonstrate compelling legitimate grounds which override the rights of the data subject.

13.5 Such considerations are complex and must always be referred to the Torrix DPO Services upon receipt of the request to exercise this right.

13.6 In respect of direct marketing any objection to processing must be complied with.

13.7 Seva School is not however obliged to comply with a request where the personal data is required in relation to any claim or legal proceedings. The Right to Rectification

13.8 If a data subject informs Seva School that personal data held about them by Seva School is inaccurate or incomplete then we will consider that request and provide a response within one month.

13.9 If we consider the issue to be too complex to resolve within that period then we may extend the response period by a further two months. If this is necessary then we will inform the data subject within one month of their request that this is the case.

13.10 We may determine that any changes proposed by the data subject should not be made. If this is the case then we will explain to the data subject why this is the case. In those circumstances we will inform the data subject of their right to complain to the Information Commissioner's Office at the time that we inform them of our decision in relation to their request. The Right to Restrict Processing

13.11 Data subjects have a right to "block" or suppress the processing of personal data. This means that Seva School can continue to hold the personal data but not do anything else with it.

13.12 Seva School must restrict the processing of personal data

13.13 Where it is in the process of considering a request for personal data to be rectified (see above);

13.13.1 Where Seva School is in the process of considering an objection to processing by a data subject;

13.13.2 Where the processing is unlawful but the data subject has asked Seva England School not to delete the personal data; and

13.13.3 Where Seva School no longer needs the personal data but the data subject has asked Seva School not to delete the personal data because they need it in relation to a legal claim, including any potential claim against Seva School.

13.13.4 If Seva School has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any restriction, unless this proves impossible or involves a disproportionate effort.

13.13.5 Torrix DPO Services must be consulted in relation to requests under this right - The Right to Be Forgotten

13.13.6 Data subjects have a right to have personal data about them held by Seva School erased only in the following circumstances:

13.13.7 Where the personal data is no longer necessary for the purpose for which it was originally collected

13.13.8 When a data subject withdraws consent – which will apply only where Seva School is relying on the individuals consent to the processing in the first place

13.13.9 When a data subject objects to the processing and there is no overriding legitimate interest to continue that processing – see above in relation to the right to object

13.13.10 Where the processing of the personal data is otherwise unlawful;

13.13.11 When it is necessary to erase the personal data to comply with a legal obligation

13.13.12 Seva School is not required to comply with a request by a data subject to erase their personal data if the processing is taking place:

13.13.13 To exercise the right of freedom of expression or information – see Freedom of information policy

13.13.14 To comply with a legal obligation for the performance of a task in the public interest or in accordance with the law

13.13.15 For public health purposes in the public interest

13.13.16 For archiving purposes in the public interest, research or statistical purposes

13.13.17 In relation to a legal claim.

13.13.18 If Seva School has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any erasure, unless this proves impossible or involves a disproportionate effort.

13.13.19 The DPO from Torrix DPO Services must be consulted in relation to requests under this right. Right to Data Portability

13.13.20 In limited circumstances a data subject has a right to receive their personal data in a machine readable format, and to have this transferred to another organisation.

14.Data security

14.1 We will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

14.2 We will put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

14.3 Security procedures include:

14.3.1 Entry controls. Any stranger seen in entry-controlled areas should be reported to Reception

14.3.2 Secure lockable desks and cupboards. Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)

14.3.3 Methods of disposal. Paper documents should be shredded. Digital storage devices should be physically destroyed when they are no longer required. IT assets must be disposed of in accordance with the Information Commissioner's Office guidance on the disposal of IT assets.

14.3.4 Equipment. Data users must ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

14.3.5 Working away from the school premises – paper documents. Hard copy documents containing personal data must not be taken off site unless strictly necessary for school business. The school recognises that legitimate school activities such as marking children's exercise books may take place off site at times. The member of staff concerned must take all necessary precautions to ensure that hard copy personal data is kept secure at all times, keeping it covered whilst in transit, and locked away in a secure place otherwise. No personal data may be kept offsite for longer than absolutely necessary for the school activity in progress. Staff must ensure that no data breaches occur, such as data being lost, stolen, or accessed by an unauthorised person such as a visitor or household member. When a staff member ceases employment with Seva School, all paper documents containing personal data must be returned to school.

14.3.6 Working away from the school premises – electronic working.

Staff are prohibited from all forms of transfer or processing of electronic personal data on any type of privately owned device, including USB drives. Staff may work away from school premises using school issued equipment and a secure network connection method such as a school VPN if there has been prior authorisation from the school IT department, and after training has been provided. Files which do not contain personal data may be saved onto school owned, encrypted storage media, should the school issue such equipment for this purpose. Staff must only save personal data onto secure file locations which the school has authorised, such as school servers (eg the H drive) or a school approved cloud service. Under no circumstances may staff email personal data to a private email account, or transfer or store data using a cloud service which the school IT department has not approved.

14.3.7 Document printing.

Documents containing personal data must be collected immediately from printers and not left on photocopiers.

14.4 Any member of staff found to be in breach of the above security measures may be subject to disciplinary action.

15.Data Protection Impact Assessments

15.1 Seva School takes data protection very seriously, and will consider and comply with the requirements of Data Protection Legislation in relation to all of its activities whenever these involve the use of personal data, in accordance with the principles of data protection by design and default.

15.2 In certain circumstances the law requires us to carry out detailed assessments of proposed processing. This includes where we intend to use new technologies which might pose a high risk to the rights of data subjects because of the types of data we will be processing or the way that we intend to do so.

15.3 Seva School will complete an assessment of any such proposed processing and has a template document which ensures that all relevant matters are considered.

15.4 The DPO should always be consulted as to whether a data protection impact assessment is required, and if so how to undertake that assessment.

16. Disclosure and sharing of personal information

16.1 We may share personal data that we hold about data subjects, and without their consent, with other organisations. Such organisations include the Department for Education, Education and Skills Funding Agency "ESFA", Ofsted, health authorities and professionals, the Local Authority, examination bodies, other schools, and other organisations where we have a lawful basis for doing so.

16.2 Seva School will inform data subjects of any sharing of their personal data unless we are not legally required to do so, for example where personal data is shared with the police in the investigation of a criminal offence.

16.3 In some circumstances we will not share safeguarding information. Please refer to our Child Protection Policy.

17. Data Processors

17.1 We contract with various organisations who provide services to Seva School, including:

17.1.1 Payroll providers, school meal providers, student support services, the local authority, IT service providers, exam boards and exam moderators, school trip providers, providers of medical services, school photographers, staff pension providers

17.2 In order that these services can be provided effectively we are required to transfer personal data of data subjects to these data processors.

17.3 Personal data will only be transferred to a data processor if they agree to comply with our procedures and policies in relation to data security, or if they put in place adequate measures themselves to the satisfaction of Seva School. The school will always undertake due diligence of any data processor before transferring the personal data of data subjects to them.

17.4 Contracts with data processors will comply with Data Protection Legislation and contain explicit obligations on the data processor to ensure compliance with the Data Protection Legislation, and compliance with the rights of Data Subjects.

18. Images and Videos

18.1 Parents and others attending Seva School events are **not allowed** to take photographs and videos at events. For example, parents may not take video recordings of a school performance involving their child. This is in line with licensing and safeguarding policies in place for each event. Seva School prohibits this as a matter of policy.

18.2 Seva School asks that parents and others do not post any images or videos which include any child other than their own child on any social media or otherwise publish those images or videos. This is to protect those pupils whose need to remain unidentified.

18.3 Seva School we want to celebrate the achievements of our pupils and therefore may want to use images and videos of our pupils within promotional materials, or for publication in the media such as local, or even national, newspapers covering school events or achievements. We will seek the consent of pupils, and their parents where appropriate, before allowing the use of images or videos of pupils for such purposes.

18.4 Whenever a pupil begins their attendance at Seva School they, or their parent where appropriate, will be asked to complete a consent form in relation to the use of images and videos of that pupil. We will not use images or videos of pupils for any purpose where we do not have consent.

19. CCTV

19.1 Seva School operates a CCTV system. See CCTV Policy.

20. Subject Access request (SAR)

20.1 This is a legal right that everyone in UK has, and can be exercised at any point free of charge as from 25 May 2018.. This allows you to be aware of and verify the lawfulness of the processing of your personal data.

What the law says:

- A subject access request or SAR is a written request to a company asking for access to the personal information they hold on you.
- Seva School must respond within 40 calendar days of receiving

For further information on how to make the SAR please visit.

<https://www.which.co.uk/consumer-rights/advice/how-do-i-make-a-subject-access-request>

21.Changes to this policy

We may need to update this policy periodically so we recommend that you revisit this information from time to time. Where appropriate, we will notify data subjects of those changes.